

## Remarks

This amendment responds to the Office Action dated July 6, 2005 and the Notice of Non-Compliance dated January 12, 2006. In the Office Action, the examiner required and imposed a restriction with respect to invention Groups I-VII associated with claims 1-9; 10-15; 16-21; 22-26; 27-38; 39-43; and 44-50. The examiner indicated that the claimed invention in Groups I-VII are unrelated.

Applicant confirms the provision election to prosecute invention of Group I, claims 1-9. Applicant withdraws claims 10-50 and reserves the right to file divisional patent applications on one or more of these groups at a later date.

In the Office Action, the examiner rejected claims 1-9 under 35 U.S.C. § 101 because, in the examiner's opinion, "the claimed invention is directed to non-statutory subject matter. The claimed method consist[s] solely of the manipulation of an abstract idea and is not concrete or tangible." It is respectfully submitted that the examiner is not correct in this assessment. Originally submitted claims specifically relate to "a computerized bidding system" and recite the step of "storing said hospitality facility data" which occurs "in a database on said at least one server." It is respectfully submitted that the utilization of a "database and a server" remove any possibility of doubt that the method is abstract or operates on something other than a computerized system. Nonetheless, applicant has amended claim 1 to state, in the body of the claim, "as a computerized method:". Accordingly, applicant respectfully requests that the examiner withdraw the § 101 rejection since applicant has recited "a computerized method" in conjunction with both a database and a server.

In the Office Action, the examiner rejected claims 1-9 as being unpatentable in view of 35 U.S.C. § 102(b) in light of U.S. Patent No. 5,664,115 to Fraser (herein "Fraser '115").

In summary, claim 1 is patentably distinct from the system disclosed in Fraser '115 because the present system specifically provides:

in the event said corresponding meeting planner cannot fulfil necessities corresponding to said requirement offer data, repeating the permitting selection step while excluding at least one of said predetermined number of vendors and repeating the enabling communication step; ...

gathering specific facilities requirement data from a plurality of responsive meeting planners relative to said facilities offer data;

presenting, to said at least one vendor supplying said facilities offer data, blinded specific requirement data; [and]

permitting said at least one vendor to select blinded specific requirement data representing a further predetermined number of said responsive meeting planners.

Essentially, Fraser '115 does not show, teach or suggest the step of repeating the permitting selection step by the buyer "meeting planner" while excluding a predetermined number of vendors (sellers) "and repeating the enabling communications step."

One reason why the presently recited claim 1 is patentably distinct from Fraser '115 is that the present claim relates to a much more complicated exchange of information between a buyer (meeting planner) and a seller or vendor (hospitality facilities vendor) than is customary in the exchange of information regarding the buying and selling of real estate or a building. For example, the hospitality vendor may have a three hundred (300) room hotel but the meeting planner needs to book only 100 rooms and provide facility services relative to tennis and golf. Another hospitality vendor may have a 500 room hotel without golf facilities but with access to public golf facilities. Therefore, the step of "repeating the permitting selection step" in conjunction with "excluding at least one of said predetermined number of vendors" and further the step of "repeating the enabling communications step" is unique in that the gross terms of the

bargain between the buyer (meeting planner) and the seller (hospitality facilities vendor) is more complex than a simple real estate transaction.

The second reason why the claimed invention is different than Fraser '115 is that the present system (a) gathers "requirement offer data and planner contact data" into the system; (b) matches meeting planner "requirement offer data with said hospitality facility data"; and (c) presents "blinded requirement data, without revealing the identity of the corresponding meeting planner who supplied said requirement offer data, to vendors associated with said hospitality facility data which match." Fraser '115 always gives the property seller all information from prospective buyers. In other words, the buyer's data in Fraser '115 is not blinded as claimed herein.

In Fraser '115, a specific, defined building or condominium is offered for sale. The seller of the building typically cannot carve up or change the facility subject to the offer for sale. In contrast to Fraser '115, the present invention contemplates and discusses in great detail that the hospitality facility vendor changes the facilities offered to the buyer-meeting planner many times until a "deal" is struck. The amount of rooms changes and so does the price. In contrast to real estate transactions, the amount of real estate does not change. Therefore, in real estate transactions, it is not necessary to go back and forth with blinded asking data (offers to sell) and blinded bids (meeting planners' offer to buy).

Further, Fraser '115 does not show, teach or suggest that the hospitality facilities vendor, after the claimed computerized method system sends "facility offer data" (similar to "asking data") to a number of meeting planners. Claim 1 in the present invention recites "gathering specific facilities requirement data from a plurality of responsive meeting planners relative to said facilities offer data; presenting, to said at least one vendor supplying said facilities offer data, blinded specific requirement data; [and] permitting said at least

one vendor to select blinded specific requirement data representing a further predetermined number of said responsive meeting planners.”

The foregoing claimed steps are best understood in conjunction with the following example. Many trade organizations regularly hold trade shows at certain geographic locations (cities) at certain times of the year. The trade show operators work in conjunction with many meeting planners and the planners are known to book many hotel rooms from hospitality facility vendors. These trade show operators (meeting planners) have elected, in the presently claimed system, to receive information. Hospitality facilities vendors know that the trade show will happen at a certain time of the year. For example, the SurfExpo Show for beach wear and beach accessories is held in Orlando, Florida, typically held the first weekend in January after the New Year’s celebration. Hotels in Orlando may present “facilities offer data” (asking data) to the trade show operators - meeting planners in November for hotel rooms in the first two weeks in January. The trade show operators, after receiving “blinded facilities offer data” complete a “specific facilities requirement data” based upon the “blinded facilities offer data” previously submitted by hotels. Thereafter, the claimed system presents “to said at least one vendor supplying said facility offer data, blinded specific requirement data.” In other words, the initial facility offer data is presented blinded to meeting planners, then those meeting planners generate “specific facility requirement data” (bids) and the “specific facilities requirement data is then presented “to at least one vendor supplying said facility offer data” in a blinded manner. At this point in the process, facility offer data has been presented, then blinded, then presented to meeting planners, then the meeting planner respond to the “facilities offer data” and generate “specific facilities requirement data” and then, the specific facilities data, in a blinded manner, is presented to at least one hospitality vendor. Thereafter, the one vendor “select[s] blinded specific requirement data.”

This is a double blinded ask and bid system.

There is no corresponding procedure in the Fraser '115 patent. The presently claimed invention contemplates a double blind "ask" and then a blind "bid" and then a second "ask" round. The reason for this double blind round and then resubmitting of the ask data is due to the complex nature of the transaction between the hospitality vendor and the meeting planner.

As an example, three (3) hotels in Orlando may submit "facilities offer data" for the January show to meeting planners. The data sent to the meeting planners is blinded -- the planners do not know what hotel has submitted the ask data. Hotel 1 may offer 100 rooms at \$100.00 and also offer facilities for 200 rooms at \$90.00; hotel 2 may offer 200 rooms at \$105.00 and hotel 3 may offer 500 rooms at \$95.00. The hotels are different distances away from the trade show venue. The trade operators or meeting planners received blinded data from hotel 1 offer data 1, hotel 1 offer data 2, hotel 2 offer data and hotel 3 offer data. The meeting planner-trade show operator does not know which hotel is making the offer. The meeting planners then provide "specific facilities requirement data" (bid) which may be blocks of 200 rooms at \$107.00. This blinded data is then presented to the hotels or hospitality vendor. The hotels 1, 2 and 3 may accept or reject this counter-offer by the meeting planners. The ask and bid data is unblinded after selection of the top 3 (typical operation explained in the specification). Other ask and bid data is kept blinded. The re-bid and re-ask cycle changes the amount of facilities offered and the price to the buyer-meeting planner. In the end, the hotel elects to participate in this event and the hotel selects which "bid" and meeting planner is acceptable. The system then follows to the recited step "enabling direct communications with the exchange of plan or contact data between said further predetermined number of

said responsive meeting planners and vendor contact data of said at least one vendor supplying said facilities offer data.”

Therefore, the presently claimed invention is much more complex and enables a double blinded bid structure for hospitality facilities vendors and meeting planners.

#### The Fraser ‘115 system

Fraser ‘115 discusses an Internet base system for buying and selling real estate. It operates on a database (col. 5, line 16, herein “l. 16”) and utilizes a server (col. 4, l. 25). Once the buyer enters the Fraser system, he or she can search through the database using search criteria. Col. 6, l. 40. If the potential buyer locates one or more properties and requests additional information, the buyer must then input buyer contact data. Col. 6, l. 53. The system then evaluates and qualifies the buyer. For example, the system identifies the net worth of the buyer and matches that net worth data to the minimum purchasing requirements for the property selected by the buyer. Col. 6, l. 65. If the buyer qualifies, “the buyer information is transferred to the seller of the matching property then automatically by the system.” Col. 7, l. 6. Upon receiving prospective buyer request, the seller (or seller’s brokers) engage in direct communication with the prospective buyers. Col. 7, l. 11.

A seller can also assess the Fraser ‘115 system and can request “a list of buyers who have requested further information regarding a property currently being listed on behalf of the seller.” Col. 8, l. 15. “All appropriate buyer records are provided to the seller.” Col. 8, l. 24. Other portions of the Fraser ‘115 specification discuss the buyer search and a matching of buyers qualifications with the selected property. Col. 9, l. 3. A provisional buyer record is created. Col. 9, l. 27. The system can be automatically configured to forward the buyer’s information to the seller. Col. 9, l. 34. Confirmation is sent

to the buyer when the buyer's information is forwarded to the seller. Col. 9, l. 40. The system can be configured to periodically provide information from qualified buyers to an approved seller. Col. 9, l. 45. A list of all prospective buyers associated with a particular piece of property can be sent to the seller. Col. 9, l. 55.

Applicant recognizes that the Fraser '115 system is enabled as follows: "the system according to the [Fraser] invention also provides a means to match buyers and sellers while preserving the anonymity of the seller to as great a degree as possible." Col. 10, l. 15. In this manner, the role of the seller's broker is preserved.

However, the Fraser '115 system does not show, teach or suggest "in the event said corresponding meeting planner cannot fulfil necessities corresponding to said requirement offer data, repeating the permitting selection step while excluding at least one of said predetermined number of vendors and repeating the enabling communication step." In other words, Fraser '115 does not show, teach or suggest "rebidding" directed to a number of hospitality vendors. There is no need in the Fraser '115 system to rebid because the properties are defined. In the presently claimed invention, the hospitality facilities subject to an offer responsive to a bid are oftentimes changed by the hotel-vendor to close a deal with a meeting planner. In other words, the hotel can increase the number of rooms provided and slightly decrease the price per room. In contrast, a seller or real estate cannot increase the size of the property (although they may decrease the price).

Further, Fraser '115 does not show, teach or suggest the double blind asking data and bid data and re-asking data:

gathering facilities offer [asking] data, representing at least one offer by a vendor to supply hospitality facilities, and storing said facilities offer [asking] data in said database, said facilities offer data including at least a hospitality facility feature and facility offer price data; presenting blinded facilities offer [asking] data to one or more meeting planners;

gathering specific facilities requirement [bid] data from a plurality of responsive meeting planners relative to said facilities offer data;

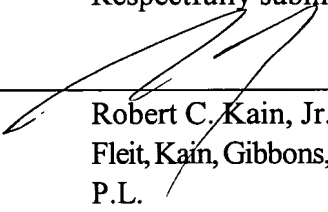
presenting, to said at least one vendor supplying said facilities offer data, blinded specific requirement [bid] data; [and]

permitting said at least one vendor to select blinded specific requirement data representing a further predetermined number of said responsive meeting planners.”

Therefore, it is respectfully requested that claim 1 is patentably distinct from Fraser ‘115.

Applicant respectfully request that the examiner withdraw the rejection of claim 1 and dependant claims 2-9 and approve those claims in this case.

Respectfully submitted,



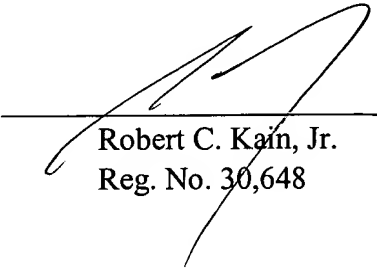
---

Robert C. Kain, Jr.  
Fleit, Kain, Gibbons, Gutman, Bongini & Bianco,  
P.L.

Registration No. 30,648  
750 S.E. Third Avenue, Suite 100  
Ft. Lauderdale, Florida 33316-1153  
(954) 768-9002

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 18, 2006.



---

Robert C. Kain, Jr.  
Reg. No. 30,648